IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.11.2006

CORAM:

THE HONOURABLE MR. JUSTICE P. SATHASIVAM
and
THE HONOURABLE MR. JUSTICE S. TAMILVANAN

Writ Appeal No.2367 of 2001

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Kongu Manamahil Sangam
Regn.No.2001/0164
105-A Rukkammal Colony
Thudiyalur Post Office,
Coimbatore
rep. By its President K. Palanisamy. .. Appellant

Vs.

1. The Deputy Inspector General of Police
Coimbatore.

2. The Superintendent of Police (Rural)
Coimbatore.

3. The Inspector of Police
Thudiyalur Police Station
Coimbatore District. .. Respondents

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Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 31.10.2001 passed by His Lordship the Hon□ble Mr. Justice P. Shanmugam in Writ Petition No.19873 of 2001.

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For appellant : Mrs. Kamalarani

For respondents : Mr. A. Edwin Prabhakaran, Government Advocate
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JUDGMENT

(Judgement of the Court was delivered by P.SATHASIVAM,J.)

The above writ appeal is filed against the order of the learned single Judge dated 31.10.2001 made in W.P.No.19873 of 2001, in and by which the learned Judge after finding that no relief would be granted as prayed for in the writ petition, dismissed the same.

2. Heard the learned counsel for the appellant as well as respondents.

3. On going through the specific averments in the affidavit filed in support of the writ petition as well as the stand taken by the third respondent in his counter affidavit, we are of the view that there is no need to refer the factual details once again in this order. We are in agreement with the observations/directions of the learned Judge in para 7 of his order. In addition to the same, we clarify and instead of issuing blanket mandamus as prayed for, we issue the following directions:

" (i) So long as the appellant's Association/Club or its members carry on lawful activities, the respondents shall not interfere. However, if the respondents have specific information or bona fide suspect that the activities carried on by the appellant club or its members are not in accordance with the statutory provisions, or the respondents have reason to believe that there is a violation of the provisions of the Gaming Act or any other enactment, it is well open to the respondents or their subordinates to enter the appellant club premises, conduct investigation, question those who involved themselves in such activities and take appropriate action.

(ii) It is open to the appellant or its members to defend themselves in case of any prosecution levelled and it is equally open to them to challenge the action of the respondents if it is not in accordance with law.

(iii) The respondents or their subordinates or their men shall not be entitled to enter into the club premises or question the office bearers or other members of the club, so long as the club members confine their club to lawful activities as is permissible in law and if specific information is received, after recording the same in the Station Records the respondents may enter, investigate, question the members, proceed further according to the gravity of the offence or the violation detected, as the case may be.

(iv) If for any valid reason or in enforcement of any provision of law, the activities of the appellant club has to be suspended or closed, the respondents shall issue an order in writing to the said effect and without issuing a written order, the respondents shall not orally direct closure of the appellant's recreation club. "

With the above directions, the writ appeal is disposed of. No costs.

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To

1. The Deputy Inspector General of Police
Coimbatore.

2. The Superintendent of Police (Rural)
Coimbatore.

3. The Inspector of Police
Thudiyalur Police Station
Coimbatore District.

[PRV/8665]